IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.68 OF 2007
IN
CONTEMPT PETITION NO.29 OF 2007
IN
MISCELLANEOUS PETITION NO.57 OF 2006
IN
TESTAMENTARY PETITION NO.526 OF 2002

Camil Gerald Pereira ..Petitioner.
Vs.
Thomas L. Gonsalves ..Respondent.
And
The Reliance Energy Ltd. ..Intervenor.

Mr.N.R.Tiwari for the Petitioner.

Mr.Kamath for Reliance Energy Ltd.

Mr.Shrinivas Bharghavram Ghaisas, Officer, Reliance Energy Ltd. present.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH SEPTEMBER, 2007

P.C. :

The Petitioner has filed this Chamber Summons for an order against Respondent No.2, Reliance Energy Ltd., to disconnect and remove a new meter bearing No.6898849 issued in the name of the first Respondent at the suit premises. The Petitioner has also sought initiation of action against Reliance Energy Ltd. for alleged violation of law in connection with the new meter.

2. No action is called for against Reliance Energy

Ltd. This is a dispute between the Petitioner and the first Respondent. Reliance Energy Ltd. is not concerned with the same in any manner. Reliance Energy Ltd. is not a party to the proceedings in which the orders, which I shall shortly refer to, were passed. Even assuming that, as stated in the letter dated 12.5.2007, the Petitioner attended Reliance Energy Ltd.'s office and raised an objection in respect of the new meter, no action is called for against Reliance Energy Ltd. It is not even suggested that the orders of this Court were served on Reliance Energy Ltd. on that visit or otherwise.

3. In the circumstances, prayer (b) of the Chamber Summons is rejected.

4. However, it is clear that by an order dated 5.5.2005 the parties were directed to maintain status quo in terms of the Commissioner's Report. It is also clear from the record that on the date of the said order there was an electrical meter on the North side wall bearing No.3149925. There was no other electric connection. It is also admitted that a new connection was installed by Reliance Energy Ltd. at the cost of Respondent No.1 only after the

order dated 5.5.2005.

5. It is pertinent to note that pursuant to orders dated 27.12.2006 and 4.1.2007, Commissioners were appointed and they had submitted their reports. The said reports also establish the Petitioner’s case. Thus, in view of the order dated 5.5.2005, ordering status-quo, a new meter cannot be installed without the leave of the Court.

6. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a).